

**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE:  
TONYA D. WALTON**

**CHAPTER 13 CASE NO.:  
19-10120-JDW**

**OBJECTION TO CONFIRMATION**

COMES NOW the Chapter 13 Trustee, Locke D. Barkley (the “Trustee”), by and through counsel, after conducting the Section 341(a) meeting of creditors, reviewing the Petition, Schedules, and Statement of Financial Affairs, and files this Objection to Confirmation (the “Objection”), and in support thereof states as follows:

1. The Debtor commenced this proceeding by filing a Voluntary Petition on January 10, 2019 (the “Petition Date”). The Debtor filed a proposed Chapter 13 Plan (Dkt. #11) (the “Plan”) on January 24, 2019.

2. The Debtor’s Schedules fail to disclose all assets and liabilities as required by 11 U.S.C. § 521(a)(1)(B)(i). Specifically, the Debtor failed to disclose her PERS account.

3. The Debtor’s Plan fails to comply with 11 U.S.C. §§ 1325(a)(1) and §521(e)(2)(A)(i) because the Debtor has failed to provide the Trustee with a copy of the Federal tax return for the 2018 tax year.

4. The Plan fails to comply with 11 U.S.C. §§ 1325(a)(1) and 1325(a)(3). The Plan has not been proposed in good faith because the Debtor has failed to provide for the treatment of the secured claim of Mississippi Department of Revenue (Claim #4-1). The form plan approved by this Court provides that, “[t]he treatment of ALL secured and priority debts must be provided for in this plan.”

5. The Debtor should timely remit all plan payments due under the Plan prior to the hearing or the case should be dismissed for failure to comply with the proposed Plan.

6. For the reasons set forth herein, the Trustee submits that Confirmation of the Plan should be denied and the case dismissed.

WHEREFORE, PREMISES CONSIDERED, the Trustee respectfully requests that upon notice and hearing that this Court enter its order sustaining the Objection. The Trustee prays for other such general and specific relief to which Trustee and this bankruptcy estate may be entitled.

Dated: March 11, 2019.

Respectfully submitted,

**LOCKE D. BARKLEY**  
**CHAPTER 13 TRUSTEE**

BY: /s/ Melanie T. Vardaman  
ATTORNEYS FOR TRUSTEE  
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**CERTIFICATE OF SERVICE**

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: March 11, 2019

/s/ Melanie T. Vardaman  
MELANIE T. VARDAMAN